

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE
2004 JAN 14 P 12:09
U.S. DISTRICT COURT
DISTRICT OF MASS.

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D.N. KELLEY & SON, INC.,
Plaintiff,
vs.
F/V RESILIENCE (*ex F/V BULLWINKLE*)
(O.N. No. 660487), her engines, tackle, apparel,
appurtenances, etc., *in rem*,
Defendant.
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CASE NUMBER: 03 12593RWZ

AFFIDAVIT OF SERVICE OF PROCESS

I, Andrew B. Saunders, do depose and state the following:

1. I am an attorney licensed to practice before this Court and the Supreme Judicial Court for the Commonwealth of Massachusetts.

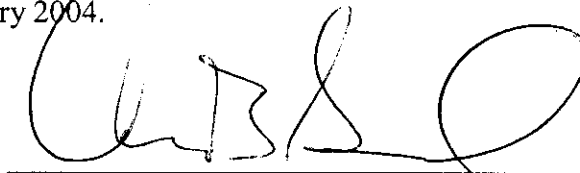
2. I am attorney of record for the Plaintiff, D. N. Kelley & Son, Inc.

3. On January 8, 2003, I met with Mr. Wayne E. Frye, Jr., who confirmed that he is the owner of the F/V Reality (ex-F/V Melissa Vanessa – O.N. 619655).

4. The purpose of the meeting was to notify Mr. Frye of the proceedings in accordance with the instructions of this Court. The purpose was also to obtain Mr. Frye's Acceptance of Service of Process of pleadings pursuant to Rule 4(d) and Rule 84 of the Federal Rules of Civil Procedure.

5. Mr. Frye acknowledged the service of process as shown on Rule 4(d) and 84 attached hereto (Acceptance of Service of Process, Rule 4(d) and 84 by Wayne E. Frye, Jr., January 8, 2004).

Stating nothing further I do depose the foregoing to be true and accurate under the pains and penalties of perjury this 9th day of January 2004.



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